

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Robert W. Birks, Thomas Colburn, and
Aaron Post,

No. CV-15-02464-PHX-DGC

Plaintiffs,

ORDER

v.

GinJoint, LLC, a Delaware limited
liability company; Joe Nolan and Jane
Doe Nolan, husband and wife and
citizens of Pennsylvania; Eric Israel and
Jane Doe Israel, husband and wife and
citizens of Texas; Al Carter and Jane Doe
Carter, husband and wife and citizens of
Delaware; and Wayne Wilson and Jane
Doe Wilson, husband and wife and
citizens of Pennsylvania,

Defendants.

The Court, having considered the Joint Expedited Motion to Approve Settlement Agreement and to Dismiss the Action With Prejudice filed by counsel for Plaintiffs and counsel for Defendant GinJoint, LLC (Doc. 16), finds as follows, good cause appearing,

THE COURT FINDS that, because Plaintiffs asserted a claim under the Fair Labor Standards Act (“FLSA”), the Court must approve any settlement reached by the parties. *Lynn’s Food Stores, Inc. v. United States*, 679 F.2d 1350, 1354 (11th Cir. 1982). The Court may approve the settlement if it reflects a “reasonable compromise over issues.” 679 F.2d at 1354.

1 **THE COURT FURTHER FINDS** that the parties in this action entered into a
2 Mediation Conference Memorandum following a two-day mediation conference held
3 before Gary L. Birnbaum as Mediator. The Mediation resolved the unpaid wage claims
4 asserted in this action, as well as other disputes and litigation existing between certain
5 parties.

6 As to the portion of the parties' Mediation Conference Memorandum that relates to
7 the unpaid wage claims asserted in this action, the Court finds that the payment of
8 \$122,000 to Plaintiffs reflects a knowing, voluntary, and reasonable resolution.

9 **IT IS ORDERED:**

10 1. The Joint Motion to Approve Settlement Agreement and Dismiss the
11 Lawsuit with Prejudice (Doc. 16) is **granted**.

12 2. The terms and provisions of the Mediation Conference Memorandum solely
13 as to the resolution of the claims and causes of action related to the unpaid wage claims
14 asserted in this action are approved.

15 3. That Plaintiffs shall file a Notice of Receipt of Funds as to the \$122,000
16 payment on or before **February 23, 2016**. The Clerk shall dismiss this action with
17 prejudice, each party to bear his, her or its own attorneys' fees and costs on
18 **February 23, 2016** without further of the Court.

19 Dated this 16th day of February, 2016.

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23 David G. Campbell
24 United States District Judge
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